

THE HONORABLE RICARDO S. MARTINEZ

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

ROBERT BOULE,

Plaintiffs,

v.

**DEFENDANT and JANE DOE EGBERT
and their marital community,**

Defendants.

NO.: 2:17-cv-00106-RSM

**PLAINTIFFS' AMENDED
INITIAL DISCLOSURES
PURSUANT TO F.R.C.P.
26(a)(1)**

DEFENDANT

Counterclaimant,

v.

ROBERT BOULE

Counterdefendant.

Pursuant to Fed. R. Civ. P. 26(a)(1), the Plaintiff amends his mandatory
initial disclosures as set forth below.

I. INDIVIDUALS WITH DISCOVERABLE INFORMATION

Plaintiff identifies the following individuals in addition to himself and the named individual defendants who are likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings.

1. Tyler Morgan
Special Agent, CBP Internal Affairs

[REDACTED]

Work:

Cell:

Special Agent Morgan will testify as to details concerning his investigation of Defendant Egbert.

2. Jason Surowiecki

[REDACTED]

Mr. Surowiecki was employed by Plaintiff. He was on Smugglers Inn premises at the time of the incident. He is a witness to the events leading to Defendant Egbert's assault on Plaintiff.

3. Josh VanderGrein

[REDACTED]

Josh VanderGrein was employed by Plaintiff. He was on Smugglers Inn premises at the time of the incident. He is a witness to the events leading to Defendant Egbert's assault on Plaintiff.

1
2 4. Jim Harber

3 [REDACTED]
4 [REDACTED]

5 Jim Harber is the insurance agent for policies covering Smugglers Inn and
6 Plaintiff. Plaintiff contacted him in the days after being assaulted by Defendant
7 Egbert to see if the policies covered medical costs incurred as a result of the
8 assault.

9 5. Isabel Dermendziev

10 Street Address Unknown

11 [REDACTED]

12 Isabel Dermendziev provided housekeeping services at Smugglers Inn.
13 Border patrol agents subjected her to an ongoing campaign of harassment
14 following Plaintiff's filing of a tort claim for damages

15 6. Donald Starr, CPA

16 [REDACTED]
17 [REDACTED]

18 Donald Starr was the CPA who represented Plaintiff Boule in a tax audit
19 instigated as a direct result of Eric Egbert's contact with the US Internal Revenue
20 Service (IRS). He is expected to have knowledge of comments relevant to this case
21 made by the IRS agent conducting the audit.

22 7. Agent Anderson, Andersson, Andersen or Andersson

23 Former Border Patrol Agent
24 Contact information unknown

25 Agent Anderson was Eric Egbert's direct supervisor at the time of Egbert's
assault on Robert Boule. He will have knowledge of events surrounding the assault

1 and its aftermath. It is believed that Agent Anderson employment with Border
2 Patrol has been terminated, in part due to activity related to his supervision of
3 Defendant Egbert.

4 8. Rachel Martinen
5 Internal Revenue Service Agent
6 Internal Revenue Service Office
7 [REDACTED]

8 Ms. Martinen was the IRS agent who audited Plaintiff taxes it is believed
9 this audit was instigated by Defendant Eric Egbert. At the time of the audit, Ms.
10 Martinen had knowledge of aspects of Plaintiff's finances given to her by
11 Defendant Eric Egbert.

12 9. Special Agent Joshua Barnett, Homeland Security
13 Address Particulars Unknown
14 [REDACTED]

15 Special Agent Barnett was agent in charge of the case involving Jasmin
16 Klair alluded to in Defendant Egbert's Anti-Slapp counterclaim. He will testify
17 regarding that case and other pertinent matters.

18 10. Isaac (last name unknown) [REDACTED]
19 Shannon Hansen [REDACTED]
20 Ian (last name unknown) [REDACTED]
21 Jake Black
22 Address Particulars Unknown

23 These persons may have knowledge related this case. Contact and other
24 information will be supplemented at a later date.

25 11. Michael Luna
US Border Patrol

1 [REDACTED]
2 [REDACTED]
3 Michael Luna was a senior Border Patrol agent in the Blaine WA area.
4 Defendant Egbert was under his command. Mr. Luna will testify regarding
5 Defendant Egbert's activities while under his command. Mr. Luna will be asked to
6 produce documents relating to Defendant Egbert.

7 12.Scott Henderson, Special Agent
8 Social Security Administration/Office of the Inspector General/Office of
9 Investigations
10 [REDACTED]
11 [REDACTED]
12 Cell: [REDACTED]
13 Fax: [REDACTED]

14 Mr. Henderson was the Social Security Agent who attempted an audit of
15 Plaintiff's social security eligibility. It is believed this audit was instigated by
16 actions admitted to by Defendant Eric Egbert.

17 13.Nathan Mattly
18 Street Address Unknown
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]

22 Mr. Mattly was an employee of Plaintiff. Border patrol agents subjected him
23 to an ongoing campaign of harassment following Plaintiff's filing of a tort claim
24 for damages incurred as a result of the assault of the assault by Defendant Egbert.

25 14.Kaya Fikret
Contact Information Unknown

Mr. Fikret is the Turkish national examined by Defendant Egbert minutes after he
assaulted Plaintiff.

15. Medical Providers for Robert J. Boule Relevant to DOI (3/20/14)

Plaintiff has seen several physicians and healthcare professionals for injuries caused by the assault of Defendant Egbert. Plaintiff will supply copies of his medical records as part of his disclosure under this rule. Meanwhile, names and contact information for the physicians and healthcare professionals follows:

Shannon Boustead, MD
Sea Mar Bellingham Medical
Community Health Centers

Phone:

Fax:

April M. Sakahara, MD
PeaceHealth Medical Group – Whatcom
Physical Medicine & Rehabilitation

Phone:

Fax:

Kathryn Peterson, PT
St. Joseph Hospital
Outpatient Therapy Services

Phone:

Fax:

Peter Buetow, M.D., MBA, RVT
Mt. Baker Imaging

PeaceHealth Medical Group

Phone:

Fax:

1
2 Rosemary J. Whiting, PTA
3 Whatcom Physical Therapy
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]
8 [REDACTED]
9 [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

Phone: [REDACTED]

Fax: [REDACTED]

Lars Crabo, MD
Mt. Baker Imaging

Phone: [REDACTED]

Fax: [REDACTED]

Daniel D. Kim, MD
Sound Physicians
(Internal Medicine)

Phone: [REDACTED]

Fax: [REDACTED]

Michael Geist, MD
PeaceHealth Medical Group
(Internal Medicine)

Phone: [REDACTED]

Fax: [REDACTED]

Plaintiffs incorporate into this Rule 26(a)(1)(A) disclosure any person identified by the Defendants in their 26(a)(1)(A) disclosures in the past or future, and also any person identified in any of the documents disclosed by Defendant or Plaintiffs.

II. RELEVANT DOCUMENTS AND TANGIBLE THINGS

The attached index is a list of documents, data compilations and tangible things in Plaintiffs' possession, custody or control that the Plaintiff believes are relevant to disputed facts alleged with particularity in the pleadings. These materials, with one exception will be forwarded to Defendant Defendants Counsel in electronic format. A plat of a land survey will be forwarded to Defendant's Counsel in hard copy as it is not amenable to reduction to electronic format.

No.	Description	Bates Number
1.	Department Of Homeland Security Office Of Internal Affairs 17-Sep-2015 Report Of Investigation Re Border Patrol Agent/0802 (Redacted)	1-68
2.	FBI Certificate Re Plaintiff Boule's Lack Of Criminal Record	69
3.	Washington State Patrol Certificate Re Plaintiff Boule's Lack Of Criminal Record	70
4.	Visa And Stamp Indicating Entry To The US With Inspection For Kaya Fikret	71
5.	9-11-2015 Boule Notes Re Encounter With Social Security Agents	72-76
6.	Compilation Of Various Properties Owned Defendant Egbert	77-107
7.	Deeds To Various Properties Owned By Defendant	108-114
8.	Compilation Of Defendants Various Convictions in Washington State	115-155
9.	June 20, 2014 Tort Claim	156-159
10	March 2016 Tort Claim	160-166

No.	Description	Bates Number
11	CBP Letter Dated Nov 2, 2016 Denying March 2016 Tort Claim	167-171
12	GIS And Google Maps Re Boule Residence And Surrounding Area	172-173
13	Plaintiff Boule's E-Mail's To Himself And Others Memorizing Events Of Day Of Assault And Aftermath	174-175
14	Nathan Mattly Statement Re Border Patrol Harassment	176-178
15	Plaintiff Boule's E-mail and Notes Re Harassment of Housekeeper	179-181
16	Federal Court Document Re Rachel Martinen Destruction Of Evidence	182-187
17	Representative DelBene Announcement Regarding Nomination of Alfonso Dermendziev to U.S. Naval Academy	188
18	List Of Agencies Examining Plaintiff At Instigation Of Defendant Egbert	189
19	Land Survey Re Plaintiff's Premises	190-191
20	Various Documents Re IRS Audit Of Boule	192-249
21	2011 Federal Income Tax Return And Schedules	250-264
22	2012 Federal Income Tax Return And Schedules	265-282
23	2013 Federal Income Tax Return And Schedules	283-298
24	2014 Federal Income Tax Return And Schedules	299-314
25	2015 Federal Income Tax Return And Schedules*	315-351
	*2016 Federal Income Tax Return Is Still In Process Of Preparation. A Copy Will Be Provided When Filed.	
26	Billings And Medical Records From PeaceHealth Medical Group	352-353
27	Billings And Medical Records From St. Joseph Hospital Physical Therapy	354-360
28	Billings and Medical Records From Whatcom Physical Therapy.	361
29	Billings And Medical Records From Mt. Baker Imaging	362
30	Billings And Medical Records From SeaMar Community Health Centers	363-370
31	Plaintiff's Medical Records	371-760
32	Letter From Shannon Boustead, MD	761-762
33	Text Message Strings Regarding Plaintiff's Injuries, and Ongoing Harassment By Border Patrol	763-796

I. DAMAGES & PENALTIES

A. Lost Income

Plaintiff believes that he has lost over \$50,000 in business expectancy due to the tortious conduct of Defendant Egbert and other agency employees acting at the instigation of Defendant Egbert.

B. Personal Injury

Plaintiff suffered right shoulder and back injuries when he was slammed into a vehicle and then to the ground by Defendant Egbert which caused him injury to his shoulder and back, including left arm and left leg numbness, back pain, left hip displacement, lack of mobility and ongoing emotional distress and lack of enjoyment of life. His injuries have never fully resolved and he will experience ongoing general damages. He has incurred extensive medical treatment and resulting costs believed to be more than \$20,000 and will likely continue future treatment costs. Mr. Boule also suffered a loss of ability to generate income both based on his injuries and the retaliatory conduct instigated by Defendant Egbert including, but not limited to the actions of federal agents who intentionally interfered with his business by slandering the reputation of his business, intimidating his employees and causing false complaints to be made against the Defendant and his business resulting in unfounded government scrutiny from other government agencies.

1 **C. General Damages**

2 Plaintiff believes that a jury could award him up to \$225,000 in general
3 damages.
4

5 **D. Punitive Damages**

6 Plaintiff believes that a jury could award him punitive damages based on the
7 assets of the Defendant, which are currently not fully known.
8

9
10 DATED August 3, 2017.

11
12 s/ Gregory Donald Boos, WSBA # 8331
13 Gregory Donald Boos, WSBA # 8331
14 Cascadia Cross-Border Law
15 1305 11th Street, Suite 301
16 Bellingham, WA 98225
17 Telephone: (360) 671-5945
18 gdboos@cascadia.com
19 Attorney for Plaintiff
20
21
22
23
24
25

CERTIFICATE OF SERVICE:

I hereby certify that on the 5th day of August 3, 2017, I e-mailed a copy of this document to the following parties:

Breean Lawrence Beggs bbeggs@pt-law.com, lsswift@pt-law.com

W Scott Railton srailton@cascadia.com

Gregory Donald Boos gdboos@cascadia.com

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Nikki C. Carsley ncarsley@millsmeyers.com,

Michael Russell mrussell@millsmeyers.com

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

s/ Gregory Donald Boos, WSBA # 8331

Gregory Donald Boos, WSBA #8331

Attorney for Plaintiff